

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

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August 2, 2002

VIA ELECTRONIC FILING

Honorable Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW - Portals II, TW-A325
Washington, DC 20554

Re: *Ex parte* Reply Comments of the California Public Utilities Commission in
CC Docket No. 92-237, Administration of the North American Numbering Plan
CC Docket No. 99-200, Number Resource Optimization
CC Document No. DA 02-1412, North American Numbering Plan Administration
Technical Requirements Document

Dear Ms. Dortch:

Pursuant to the request in Document No. DA 02-1412 and to Rule 1.1206 of the Federal Communications Commission rules, the California Public Utilities Commission submits the attached *Ex Parte* Reply Comments in the above-captioned dockets with regard to the North American Numbering Plan Administrator (NANPA) Technical Requirements for the next administration.

If you have questions, please contact me at 415.703.1319. Thank you for your time and attention to this matter.

Sincerely,

/ s /

Helen M. Mickiewicz
Deputy General Counsel

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the matter of:

Administration of the North American
Numbering Plan

CC Docket No. 92-237

Number Resource Optimization

CC Docket No. 99-200

North American Numbering Plan
Administration Technical Requirements
Document

DA 02-1412

**EX PARTE REPLY COMMENTS OF THE CALIFORNIA
PUBLIC UTILITIES COMMISSION AND OF THE
PEOPLE OF THE STATE OF CALIFORNIA**

The California Public Utilities Commission and the People of the State of California (CPUC or California) submit these ex parte reply comments to the Federal Communications Commission (FCC or Commission) in response to FCC Wireline Competition Bureau seeking input on the North American Number Plan Administrator (NANPA) Technical Requirements for the next administration.

The CPUC has extremely limited comments on the NANPA Technical Requirements Document. Specifically, California will speak to only one issue, which was also raised by the Florida Public Service Commission (FPSC) in ex parte reply comments submitted on July 29, 2002. The FPSC addressed the following provision in the Technical Requirements document, issued June 13, 2002.

NANPA may be requested to provide testimony to the state regulatory authorities regarding the relief plan, as necessary. The cost for this service should be treated as an enterprise service. (Requirements Document, § 5.1.10.)

As did the FPSC, the CPUC finds objectionable the concept of treating as an enterprise service any aspect of routine NANPA participation in relief planning and the state regulatory process which leads to selection of a new area code plan.

The NANPA participates extensively in relief-planning activities in California. California has a state statute which requires that multiple notices of area code changes be provided to carriers as well as to members of the public¹. In addition, the California statute requires that the industry and CPUC staff hold meetings with the public and with representatives of local jurisdictions to inform them of the proposed area code changes, and to allow them to comment on the proposals.² The NANPA includes these public comments in the area code plan it submits to the CPUC, and that proposal, including the public comments, becomes a part of the record on which the CPUC bases its decision.

Were the FCC to adopt section 5.1.10, quoted above, NANPA's participation in the public hearings required by state law in California conceivably could be deemed to be "testimony" and thus, an enterprise service for which the CPUC would have to reimburse NANPA. This scenario would be unacceptable because it would require the State of California to pay for activities which historically have been considered among the duties of the Central Office Code Administrator.

In addition, as the FPSC notes in its ex parte comments, NeuStar itself, the current NANPA and CO Code Administrator, considers testifying before state commissions to be "such an integral part of the NPA relief process, it should be a duty incorporated into the cost of the

¹ California Public Utilities Code § 7931.
² Id.

NANPA contract”. (FPSC Comments, p. 3.) The work of the NANPA includes the very processes of identifying where new area codes are needed, and working with the industry as well as the public to identify the most appropriate plan or plans. Treating these essential components of the NANPA’s work as “enterprise services” seems unreasonable at best, and simply cheap at worst.

Finally, requiring state commissions to pay for NANPA participation in state relief proceedings will necessitate the letting of contracts for NANPA’s work. In California, and likely in other states, the contracting process is time-consuming and cumbersome. Injecting the need for a contract into the area code planning process can only serve to delay that process, and thus delay the opening of a needed new area code.

For these reasons, the CPUC urges the FCC not to adopt section 5.1.10 of the NANPA Technical Requirements Document, as cited above.

Respectfully submitted,

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By: /s/ HELEN M. MICKIEWICZ

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